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Legislation of 1913 Affecting Nominations and Elections: The most interesting and doubtless the most significant developments in election laws revealed by the legislation of the various States in 1913 indicate a general strengthening of the direct primary for party nominations, the growth of the non-partisan primary and election for judges and municipal officers, the gradual adoption of the short ballot principle, and the extension of "corrupt practices prevention" measures. The most noteworthy of the proposals during the year are registration by affidavit, voting by mail, a double election in recall proceedings, and provision for new parties in the primaries. Following is a somewhat detailed review of the legislation for the year affecting nominations and elections.¹

Equal Suffrage. Of fundamental importance is the extension of the franchise to include women in many of the States. A constitutional amendment for equal suffrage which passed the Nevada legislature in 1911 was passed again in 1913² and will be submitted to the voters of that State in November, 1914. At the same time similar amendments passed in 1913 will be voted upon in South Dakota³ and Montana.⁴ Resolutions proposing such amendments, passed by the legislatures of New York,⁵ Pennsylvania⁶ and Iowa,⁷ must be passed at the sessions of 1915 before being submitted to the electors. North Dakota's act⁸ admitting women to the electorate is subject to referendum in 1914. The courts have not yet passed upon the Illinois law⁹ conferring on women the right to vote for a number of offices created by statute and upon all questions submitted to voters on referendum. Women are not entitled to vote for most state and county officers under this enactment. North Dakota¹⁰ also introduces a constitutional amendment reducing the residence requirements for the exercise of the suffrage from six months to three months in the county and from ninety days to sixty days in the precinct. This amendment must pass again in the session of 1915, and be submitted to the voters in 1916.

Registration of Voters. Indiana¹¹ adopts a compulsory registration law, in which is included provision for registration by affidavit of voters

¹ The legislatures of Alabama, Kentucky, Louisiana, Maryland, Mississippi, Vermont and Virginia were not in session in 1913.

² Laws 1913, p. 781.

⁷ Laws 1913, pp. 426 and 431.

³ Laws 1913, p. 175.

⁸ Laws 1913, p. 200.

⁴ Laws 1913, p. 1.

⁹ Laws 1913, p. 333.

⁵ Laws 1913, p. 2226.

¹⁰ Laws 1913, p. 122.

⁶ Laws 1913, p. 1481.

¹¹ Laws 1913, p. 528.

who on account of illness, etc., are unable to appear before the board of registry in person on registration day. Similar provision for registration of absent voters is made by Oregon¹² and Nevada.¹³ Georgia¹⁴ provides for a permanent register to be made up by the tax collectors and checked by boards of registrars. Montana¹⁵ also provides for permanent registration, but an elector who fails to vote at a regular election or who cancels his registration must register anew. In Colorado,¹⁶ Oregon¹⁷ and Idaho¹⁸ similar provision is made for erasing from the permanent roll all names of those who fail to vote at general elections. Oregon¹⁹ also adopts a somewhat cumbersome card index system of keeping the register.

Nominations. Pennsylvania²⁰ repeals its primary law of 1911 and adopts a state-wide primary of the "closed" type. A state party is one that cast 2 per cent of the vote in the last general election. The state primary is to be held in May. Florida²¹ adopted a mandatory state-wide primary law applicable to all elective officers except in cities and to political committees. A political party is one which polled more than 5 per cent of the total vote cast at the last preceding general election in the State or in any political sub-division. The primary is held in June. Registrations for the primary may be received during February and March. No candidate may be assessed more than 2 per cent of his annual salary or compensation for campaign expenses. There is a noticeable tendency to hold the primary closer to the elections. Following Wisconsin's lead Illinois²² and Nevada²³ change the state primary from the spring months to September. The following States make provision for the participation of new parties in the primaries: California,²⁴ Kansas,²⁵ Michigan,²⁶ New Hampshire²⁷ and Wisconsin.²⁸ Minnesota²⁹ adopts an act authorizing a political party to change its name by calling a convention and passing a resolution for that purpose. California,³⁰ Nevada,³¹ and Pennsylvania³² require the voter on regis-

¹² Laws 1913, p. 623.

¹³ Laws 1913, p. 499.

¹⁴ Laws 1913, p. 115.

¹⁵ Laws 1913, p. 171.

¹⁶ Laws 1913, p. 262.

¹⁷ Laws 1913, p. 628.

¹⁸ Laws 1913, p. 368.

¹⁹ Laws 1913, p. 623.

²⁰ Laws 1913, p. 719.

²¹ Laws 1913, p. 242.

²² Laws 1913, p. 310.

²³ Laws 1913, p. 510.

²⁴ Laws 1913, p. 1379.

²⁵ Laws 1913, p. 305.

²⁶ Laws 1913, p. 201.

²⁷ Laws 1913, p. 752.

²⁸ Laws 1913, p. 956.

²⁹ Laws 1913, p. 605.

³⁰ Laws 1913, p. 1379.

³¹ Laws 1913, p. 517.

³² Laws 1913, p. 1043.

tering to state his party affiliation as a condition of participating in the primary. Michigan³³ on the other hand adopts the "open" primary.

Non-Partisan Primaries have been adopted in varying forms and degrees for city elections in these States: Minnesota,³⁴ Missouri,³⁵ Pennsylvania,³⁶ Tennessee³⁷ and Texas.³⁸

Non-Partisan Nomination and Election of Judges doubtless constitutes the most important advance made during the year. Minnesota has already successfully tried this plan of electing judges and is now followed by Idaho,³⁹ Iowa,⁴⁰ Kansas,⁴¹ Nebraska,⁴² Pennsylvania⁴³ and Wisconsin.⁴⁴ Missouri⁴⁵ yields its partisanship in a half-hearted manner. Judges are to be nominated in each circuit in a convention made up of delegates chosen directly by each party. Not more than half the nominees may be from any one party and the names of all the candidates are to be printed in every party column on the official ballot. North Dakota⁴⁶ will hereafter choose its state superintendent of public instruction and its county superintendents of schools by the non-partisan route. It may be seriously doubted, however, whether the non-partisan movement is not over-reaching itself when it invades the field of political offices as it does for the first time in Minnesota,⁴⁷ which provides for non-partisan election of members of the state legislature.

Rotation of names on the ballot is adopted in Missouri⁴⁸ and Ohio⁴⁹ for primaries in some cities, and by Nebraska⁵⁰ for the non-partisan judicial elections.

North Dakota⁵¹ abandons preferential voting in the primaries.

Presidential Preference Primaries. Seven States adopt some means for the expression of popular choice for party candidates for president. In Illinois⁵² and New Hampshire⁵³ delegates and alternates to the national conventions are elected directly in the primaries, and may pledge themselves in advance of the primaries to support particular candidates. In Ohio⁵⁴ and Texas⁵⁵ in addition to electing delegates and alternates

³³ Laws 1913, p. 201.

³⁴ Laws 1913, pp. 268 and 412.

³⁵ Laws 1913, p. 420.

³⁶ Laws 1913, pp. 568 and 1001.

³⁷ Laws 1913, special session, p. 576.

³⁸ Laws 1913, p. 36.

³⁹ Laws 1913, p. 347.

⁴⁰ Laws 1913, p. 91.

⁴¹ Laws 1913, p. 309.

⁴² Laws 1913, p. 247.

⁴³ Laws 1913, p. 1001.

⁴⁴ Laws 1913, p. 558.

⁴⁵ Laws 1913, p. 334.

⁴⁶ Laws 1913, p. 202.

⁴⁷ Laws 1913, p. 412.

⁴⁸ Laws 1913, p. 339.

⁴⁹ Laws 1913, p. 769.

⁵⁰ Laws 1913, p. 247.

⁵¹ Laws 1913, p. 360.

⁵² Laws 1913, p. 310.

⁵³ Laws 1913, p. 711.

⁵⁴ Laws 1913, p. 478.

⁵⁵ Laws 1913, p. 88.

the electors express their preferences for president, but this "advisory" vote does not bind the delegates. In Iowa⁵⁶ the preference of the voters "instructs" the directly elected delegates, while in Minnesota⁵⁷ and Pennsylvania⁵⁸ it is binding on the delegates.

Elections. In anticipation of the adoption of the seventeenth amendment to the federal constitution, the following States make provision for the direct election of United States senators: California,⁵⁹ Colorado,⁶⁰ Connecticut,⁶¹ Florida,⁶² Georgia,⁶³ Idaho,⁶⁴ Illinois,⁶⁵ Iowa,⁶⁶ Minnesota,⁶⁷ New Hampshire,⁶⁸ North Carolina,⁶⁹ Pennsylvania,⁷⁰ Tennessee⁷¹ and Wisconsin.⁷² In these States nomination and election are in the same manner and at the same time as for state officers or for representatives in congress. In several cases provision is made for filling vacancies by temporary appointment to be followed by special election.

The short ballot principle gains ground steadily. For cities it is adopted of course in connection with the commission form. The most important step in this direction is taken by Ohio⁷³ which submitted in November, 1913, amendments to its constitution to provide for appointment instead of election of township officers and of all state officers except the governor and lieutenant-governor. These amendments were decisively defeated. In addition Ohio⁷⁴ enacted that the clerk of the supreme court is to be appointed by the court and the state food and dairy commissioner is to be appointed by the governor. Both officers were formerly elected. Similarly Iowa⁷⁵ provides for the appointment by the supreme court of its clerk and reporter formerly elective. The short ballot idea also expresses itself in the lengthening of the term of office, as in Minnesota⁷⁶ and Wisconsin⁷⁷ where a number of county officers are to serve four years instead of two, and in the latter State, county judges are to be elected for six years instead of four. An act of Illinois⁷⁸ increasing the term of office of clerk, treasurer and alderman

⁵⁶ Laws 1913, p. 99.

⁵⁷ Laws 1913, p. 654.

⁵⁸ Laws 1913, p. 719.

⁵⁹ Laws 1913, p. 237.

⁶⁰ Laws 1913, p. 267.

⁶¹ Laws 1913, p. 1839.

⁶² Laws 1913, p. 277.

⁶³ Laws 1913, p. 135.

⁶⁴ Laws 1913, p. 433.

⁶⁵ Laws 1913, p. 307.

⁶⁶ Laws 1913, p. 92.

⁶⁷ Laws 1913, p. 756.

⁶⁸ Laws 1913, p. 569.

⁶⁹ Laws 1913, p. 206.

⁷⁰ Laws 1913, p. 995.

⁷¹ Laws 1913, p. 396.

⁷² Laws 1913, p. 825.

⁷³ Laws 1913, pp. 993 and 995.

⁷⁴ Laws 1913, pp. 10 and 24.

⁷⁵ Laws 1913, p. 93.

⁷⁶ Laws 1913, p. 668.

⁷⁷ Laws 1913, p. 649.

⁷⁸ Laws 1913, p. 140.

in Chicago from two years to four, was to have been voted on by the people of Chicago, April 7, 1914.

Sweeping ballot reforms were enacted in Kansas⁷⁹ which adopted the Massachusetts form of ballot, party designations after the names of candidates, and rotation of names, but no means of voting a straight ticket. Kansas provides separate ballots for township, city or ward, and general elections; Ohio⁸⁰ does the same for presidential electors as well as for township and municipal offices. Idaho⁸¹ abolishes the party emblem. The New Jersey plan of envelope voting is adopted by Delaware.⁸² Under new California laws⁸³ voters receive by mail sample primary ballots (if they are registered for the primaries) and sample election ballots. A new check against fraudulent ballots is the use in Nevada⁸⁴ of specially water-marked paper, arranged to show the water-mark when the ballot is folded, the design to be changed from year to year.

Minnesota,⁸⁵ Missouri,⁸⁶ Nebraska,⁸⁷ North Dakota⁸⁸ and South Dakota⁸⁹ now permit voting by mail by those unavoidably absent from their precincts on voting day.

Recall. In addition to being adopted widely in connection with commission form of government, the recall makes headway as an independent reform movement. Kansas,⁹⁰ Minnesota⁹¹ and Wisconsin⁹² will submit for popular ratification in 1914 constitutional amendments providing for the recall of all elective and appointive offices, except—in Wisconsin only—judges. In accordance with amendments adopted in 1911 and 1913 respectively, Washington⁹³ and Michigan⁹⁴ enact detailed recall statutes, the latter excepting judges from the operation of the law. Nevada⁹⁵ adopts the recall for all public officers, and Ohio⁹⁶ and Missouri⁹⁷ for officers of cities in certain classes. Under the operation of the statute in all States named above, except Nevada and Wisconsin, the recall election creates a vacancy which is filled later at a special election, i.e., the officer against whom the recall petition is

⁷⁹ Laws 1913, p. 297.

⁸⁰ Laws 1913, pp. 59 and 520.

⁸¹ Laws 1913, p. 416.

⁸² Laws 1913, p. 152.

⁸³ Laws 1913, pp. 1180 and 1379.

⁸⁴ Laws 1913, p. 362.

⁸⁵ Laws 1913, p. 365.

⁸⁶ Laws 1913, p. 323.

⁸⁷ Laws 1913, p. 613.

⁸⁸ Laws 1913, p. 206.

⁸⁹ Laws 1913, p. 271.

⁹⁰ Laws 1913, p. 568.

⁹¹ Laws 1913, p. 902.

⁹² Laws 1913, p. 1209.

⁹³ Laws 1913, p. 454.

⁹⁴ Laws 1913, p. 608.

⁹⁵ Laws 1913, p. 400.

⁹⁶ Laws 1913, p. 767.

⁹⁷ Laws 1913, p. 452.

filed has opportunity to have his case considered wholly on its merits instead of being obliged also to compete with other candidates.

Corrupt Practices. More or less complete corrupt practices laws were passed in Arkansas,⁹⁸ Florida,⁹⁹ Michigan,¹⁰⁰ Missouri,¹⁰¹ Montana,¹⁰² Nevada¹⁰³ and South Dakota.¹⁰⁴ Some changes were made in California,¹⁰⁵ Ohio¹⁰⁶ and Indiana¹⁰⁷ the most interesting being that of the the last-named State which attempts to do away with "mud slinging" campaigns by prohibiting the publication of anything—including cartoons—injurious to persons or companies for the purpose of influencing elections.

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Absent Voters: In 1911, the Kansas legislature, and in 1913, the legislatures of Missouri and North Dakota enacted laws which permit voters who are absent from their regular election districts on the day of an election to send home their ballots by mail from any point within their respective States, and to have these ballots counted by the proper local officials before the final result is officially announced. Similar bills were introduced in the last session of the Pennsylvania and the Wisconsin legislature. In November, 1914, the voters of Michigan will vote upon a proposed amendment to their slate constitution which, if adopted, will authorize the legislature of that State to provide some system of voting by mail for the benefit of qualified electors "in the actual military service of the United States or of this State, or in the army or navy thereof, in time of war, insurrection or rebellion;" also for "any student while in attendance at any institution of learning, or any member of the legislature while in attendance at any session of the legislature," and for commercial travelers. Three different bills are now (April, 1914) pending in the Massachusetts legislature to permit voters absent from their regular voting districts on state and national election days, to have their votes registered and counted. One of these bills also covers the case of voters who are detained from the polls by reason of sickness.

⁹⁸ Laws 1913, p. 1253.

⁹⁹ Laws 1913, p. 268.

¹⁰⁰ Laws 1913, p. 189.

¹⁰¹ Laws 1913, p. 464.

¹⁰² By initiative and referendum,
Laws 1913, p. 593.

¹⁰³ Laws 1913, p. 476.

¹⁰⁴ Laws 1913, p. 277.

¹⁰⁵ Laws 1913, p. 396.

¹⁰⁶ Laws 1913, p. 578.

¹⁰⁷ Laws 1913, p. 489.